REMARKS

Before entry of this Amendment, claims 1, 3-58, and 85-92 were pending. Claims 32-41, 45-58, and 85-87 have been withdrawn from consideration as being drawn to nonelected inventions.

Claims 3-7 and 88-92 have been canceled without prejudice. Claims 1, 20, and 43 have been amended to improve the clarity and more particularly point out certain characteristics of the claimed invention. Support for the amendments can be found throughout the specification (e.g., page 17, lines 5-9; page 19, line 32; page 20, lines 1-7) and original claims (e.g., claim 3). No new matter has been introduced and no new issues have been raised. These amendments have been made solely to expedite allowance of claims. Applicants reserve the right to pursue claims of similar or differing scope in the future.

Applicants note with appreciation that the Examiner has withdrawn the previous written description and enablement rejections under 35 U.S.C. § 112, first paragraph.

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

Election/Restrictions

The Examiner has withdrawn claims 32-41, 45-58, and 85-87 as allegedly being drawn to nonelected subject matter. Applicants respectfully traverse the Examiner's withdrawal of claim 86. Claim 86, which depends from claim 1, relates to SEQ ID NO: 5 (a fusion protein of human RAGE-LBE and an Fc domain). SEQ ID NO: 5 comprises amino acid residues 1 through 344 of SEQ ID NO: 7 (see, e.g., Figure 3A), thereby falling within the scope of amended claim 1. Thus, Applicants respectfully request rejoinder of claim 86 with the elected invention.

Former Matters

The Examiner asserts that the current claim listing contains incorrect claim identifiers. In response, Applicants have corrected the claim identifiers as requested by the Examiner.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 8-31, and 42-44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morser et al. (US Pat. No. 5,864,018) in view of Peppel et al. (J Exp Med. 1991, 174(6):1483-9), further in view of Milne Edwards et al. (U.S. 2002/0102604) and as evidenced by Spriggs et al. (WO 94/10308). Applicants respectfully traverse this rejection to the extent it is maintained over the claims as amended.

Applicants reiterate for the reasons already made of record that the combination of Morser et al., Peppel et al., and Milne Edwards et al. as evidenced by Spriggs et al. fails to satisfy the criteria necessary for rendering the claimed invention obvious. Nevertheless, Applicants have amended independent claims 1, 20, and 43 to improve the clarity and more particularly point out certain characteristics of the recited fusion protein. Claims 1, 20, and 43 as amended are directed to a fusion protein comprising a human RAGE-LBE, wherein the RAGE-LBE comprises amino acid residues 1 through 344 of SEQ ID NO: 7 (i.e., the subject matter of canceled claims 3 and 88).

Morser et al. disclose fusion proteins comprising RAGE polypeptides and fragments thereof. The RAGE-LBE disclosed in Morser et al. is only 340 amino acids in length. However, Morser et al. do **not** teach or suggest the human RAGE-LBE comprising residues 1-344 of SEQ ID NO: 7, as recited in claims 1, 20 or 43. None of the other cited references (Peppel et al., Milne Edwards et al., or Spriggs et al.) bridge the gap between Morser et al. and the claimed invention. Even if Morser et al. is to be combined with the other cited references, the combination still fails to provide any suggestion or motivation for a skilled artisan to modify Morser's RAGE polypeptides to arrive at the claimed RAGE-LBE fusion proteins. Morser provides no teaching or suggestion that RAGE polypeptides need to be further modified to improve their suitability or efficacy for any application. Also, there is simply no common connection between these cited disclosures that would have motivated a person skilled in the art to combine these teachings to make the RAGE-LBE fusion proteins such as those claimed in the present application.

Applicants note that the Examiner has indicated that claims 3-7 and 88-92 are not obvious over the cited references. In particular, the Examiner states that "the mismatch at residue 110 shown in Sequence Alignment B disqualifies the Morser et al. patent as prior art for claims 3-7 and

88-92, because these claims require no mismatch at residue 110" (see Office Action, page 8, lines 11-14). Applicants wish to bring to the attention of the Examiner the Revised Sequence Listing filed on September 11, 2008, in which an error at the position 110 of SEQ ID NO: 7 has been corrected by changing histidine (H) to lysine (K). Nonetheless, Applicants reiterate that Morser et al. only disclose a RAGE-LBE which is 340 amino acids in length, rather than a RAGE-LBE comprising residues 1-344 of SEQ ID NO: 7. Applicants believe that the amendments to claims 1, 20, and 43 overcome the obviousness rejection. For the same reasons, all claims depending from claim 1, 20, or 43 are not obvious over the cited references.

In sum, Applicants submit that all of the pending claims are non-obvious over the cited references. Applicants respectfully request reconsideration and withdrawal of the rejection of the pending claims under 35 USC § 103.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (617) 951-7000. Applicants believe that no fee is due. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. **WYTH-P01-002** from which the undersigned is authorized to draw.

Dated: February 6, 2009

Respectfully submitted,

By _____

Z. Angela Guo, Ph.D., J.D.
Registration No.: 54,144
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant